

REMARKS

Applicant respectfully requests entry of the following amendments and remarks in response to the Final Office Action mailed October 20, 2008. Applicant respectfully submits that the amendments and remarks contained herein place the instant application in condition for allowance.

Upon entry of the amendments in this response, claims 1, 6-17, and 19-20 are pending. In particular, Applicant amends claim 1 and cancels claims 2-5, 18 and 21-28 without prejudice, waiver, or disclaimer. Applicant cancels claims 2-5, 18 and 21-28 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

I. Examiner Interview

Applicant first wishes to express their sincere appreciation for the time that Examiner Phan spent with Applicants' Attorney, Charles Griggers, during a telephone discussion on January 6, 2009 regarding the outstanding Office Action. During that conversation, Examiner Phan and Mr. Griggers discussed potential allowance of dependent claims 6-20, in view of amended claim 1. Thus, Applicant respectfully requests that Examiner Phan carefully consider this response and the amendments.

II. Allowed Subject Matter

Applicants acknowledge the Examiner's indication in the Office Action that objected to claim 5 would be allowable if rewritten in independent form to include all the limitations of the

base claim and any intervening claims. Applicants sincerely appreciate this indication of allowed subject matter. Applicants choose to amend base claim 1 so as to include all of the limitations of claims 2-5, and claims 2-5 have been cancelled. Claim 5 is dependent upon claim 4 (an intervening claim), claim 4 is dependent upon claim 3 (an intervening claim), claim 3 is dependent upon claim 2 (an intervening claim), and claim 2 is dependent upon claim 1 (the base claim for claim 5). Accordingly, Applicants submit claim 1 is allowable since it possesses all of the additional limitations of objected to claims 5 and the limitations of intervening claims 2-4.

Further, Applicants respectfully submit that since claim 1 is allowable, dependent claims 6-17 and 19-20 are believed to be allowable for at least the reason that these claims depend from and include the elements of allowable independent claim 1. *In re Fine, Minnesota Mining and Mfg. Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002).

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, all objections and/or rejections have been traversed, rendered moot, and/or addressed, and that the now pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested.

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and Official Notice, or statements interpreted similarly, should not be considered well-known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



Charles W. Griggers, Reg. No 47,283

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1500
600 Galleria Parkway SE
Atlanta, Georgia 30339
(770) 933-9500
Customer No.: **38823**